

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

245

**FAO-6599-2016 (O&M)**  
**Date of Decision : 14.8.2018**

**Gurdeep Kaur and others**

**....Appellants**

**vs.**

**Dharmender and others**

**....Respondents**

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

Present: Mr. Dheeraj Narula, Advocate  
for the appellants.

Mr. M.B.Jain, Advocate  
for the respondent-insurance company.

\*\*\*\*

**AJAY TEWARI, J. (Oral)**

This appeal has been filed against the award dated 31.5.2016 passed under Motor Accident Claims Tribunal, Sirsa awarding compensation of Rs. 9,99,600/- alongwith interest at the rate of 9% per annum on account of death of Gurjant Singh in an accident.

Since limited points have been urged detailed reference to the facts is not required.

Learned counsel for the claimants has argued that it was proved that deceased was an agriculturist and consequently, the Tribunal erred in taking his income as that of an unskilled labourer. As per the notification of the Haryana Government for the period of July 1, 2014 to December 31, 2014 the income of a highly skilled agriculturist was Rs. 242/- per day. Counsel for the insurance company is not in a position deny this. In the

circumstance, I deem it appropriate to take the income as Rs. 250/- per day i.e. Rs. 7,500/- per month.

Learned counsel for the insurance company has pointed out that under the conventional heads an amount of Rs. 1,25,000/- has been awarded which is against the maximum limits of Rs. 70,000/- which has been prescribed in the judgment of the Supreme Court in the matter of *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*. Therefore, Rs.55,000/- has to be reduced. Ordered accordingly.

Counsel for the insurance company has further pointed out that the rate of interest 9% is too excessive. I find this to be correct. Therefore, I award 7.5% rate of interest on the enhanced amount from the date of filing of the claim petition till the date of realization. Out of the enhanced amount 20% would be given to the appellant No.1 and 40% would be given to appellants No. 2 and 3 each.

The appeal stands disposed of with the abovesaid modifications.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

14.8.2018  
anuradha

(AJAY TEWARI)  
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No